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ATTORNEY DOCKET NO. 206,851

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NICITA Examiner: Not Yet Assigned

Application No.: ~~10/048,579~~ *10/523,144 T.W.* Art Unit: 1617

Filing Date: November 3, 2005

Title: DEVICE FOR SURGICAL TREATMENT OF FEMALE PROLAPSE

## STATEMENT OF FILING BY TELEFACSIMILE

This correspondence is being transmitted to the Office of Petitions of the United States Patent Office on December 1, 2006 at 571 273-8300.

PETITION UNDER 37 C.F.R. §1.10(c) TO CORRECT FILING DATEMailstop - Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Date: December 1, 2006

Attention: Petitions-USPTO

Sir:

Applicant respectfully requests that a new filing receipt be issued and that the official records of the Patent Office be corrected to indicate that the correct filing date of the Resubmission of Claims is:

August 16, 2006.

Evidence in support of this petition is provided below.

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REMARKS

This Resubmission of Claims was submitted to the USPTO via Express Mail on August 16, 2006. The Statement of Filing by Express Mail Pursuant to 37 C.F.R. §1.10 with the Express Mail No. ER059676079US was placed on the document and on a postcard receipt prior to the original mailing. Notwithstanding the foregoing, as shown by the attached true copy of our postcard receipt, the date stamped by the USPTO mailroom on the postcard is August 17, 2006.

The sealed Express Mail envelope was delivered by hand to a U.S. Postal Service office in New York City and the Express Mail Mailing Label was correctly completed with the date of deposit date-stamped by a U.S. Postal Service employee. In accordance with established procedure, the "Customer Copy" of the multi-part U.S. Postal Service Express Mail Label was returned to our firm.

Attached is a true copy of the "Express Mailing Label" for this submission showing the "date-in" entry of August 16, 2006 in the round stamp made by an employee of the U.S. Postal Service. Also attached is a letter dated October 24, 2006 from the United States Postal Service, providing an explanation of the "Date-in" postal procedures, and confirming that the date appearing in the round stamp is the actual date on which the submission was made to the Express Mail Service prior to the last scheduled pickup.

Accordingly, Applicant respectfully requests by this Petition that the filing date accorded the Resubmission of Claims be corrected to read:

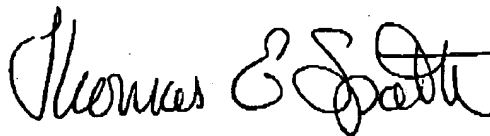
**August 16, 2006**

on the USPTO records and that a corrected filing receipt be issued.

No fee is believed to be due in connection with this Petition. Please charge any fee(s) which may be due for filing this Petition and credit any overpayments to our Deposit Account No. 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB  
Attorney for Applicant(s)




Thomas E. Spath  
Registration No. 25,928


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Enclosures: Express Mail Mailing Label No. ER059676079US Dated August 16, 2006  
U.S. Postal Service Letter Dated October 24, 2006  
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Date Stamp as acknowledgement  
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DEVICE FOR THE SURGICAL  
TREATMENT OF FEMALE  
PROLAPSE

Applicant(s): Giulio Nicita  
Serial No.: 10/523,144  
Control No.: 206,851

- 1) Resubmission of Claims
- 2) Claim set 1-61
- 3) RETURN POSTCARD

Initials: TES/gmm  
Date Mailed: August 16, 2006

Express Mail No.: ER 058 078 079 US  
AUG 17 2006  
PATENT & TRADEMARK OFFICE



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October 24, 2006

Mr. Joseph J. Catanzaro  
Abelman, Frayne, & Schwab  
666 Third Avenue  
New York, NY 10017

Philip Grant, Supv. Customer Service  
U.S. Postal Service  
Grand Central Station  
New York, NY 10017

Re: Express Mail Processing procedure

Dear Mr. Catanzaro,

I am writing you this letter to confirm our conversation of today regarding the processing of your Express Mail. The date postmarked on your copy of the Express Mail receipt is our confirmation of receipt for that date, which is the "date-in" prior to the last scheduled pickup. The mail is then sent to our Express Mail processing unit where it is entered into the tracking system. If the Express Mail piece is received before the close of business on a particular day it may show a processing date of the next day in the tracking system. This should not be considered as the official "date-in" of receipt at the Post Office. The official "date-in" receipt is the date Postmarked in the round stamp on your customer copy. Please feel free to call me if you need any further assistance.

Sincerely,



Philip Grant

Customer Service Supervisor  
Grand Central Station, New York  
(212) 330-5790 - (after 2pm daily)

**DIRECTOR OF THE U.S.  
PATENT  
AND TRADEMARK OFFICE**

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Express Mail No.: ER 059 676 079 US

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